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Steve Callistein  
10/28/02  
Date

OFFICIAL

Attorney Docket No. 1369

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Louis Brian Chapko Todd Elliott Piper	Date:	October 28, 2002
Serial No.:	09/759,755	Group Art Unit:	1638
Filed	January 12, 2001	Examiner:	Ashwin D. Mehta
For:	"INBRED MAIZE LINE PH7JD"		

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Enclosed herewith is an Amendment and Request for Reconsideration Under 37 CFR §. 1.111 to Office Action Mailed July 30, 2002

Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Serial No.: 09/759,755  
Group Art Unit: 1638

Respectfully submitted,  
Louis Brian Chapko  
Todd Elliott Piper

By



Steve Callistein  
Attorney for Applicant  
Registration No. 43,525

Pioneer Hi-Bred International, Inc.  
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AUG - 5 2002

**ATCC**

10901 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

**Name and Address of Depositor:**

Pioneer Hi-Bred International, Inc.  
Attn: Kim M. Hagemann  
7100 NW 62<sup>nd</sup> Avenue  
PO Box 1000  
Johnston, IA 50131-1000

**DOCKETED**

AUG 16 2002

**Deposited on Behalf of:**

Pioneer Hi-Bred International, inc.

**Date of Receipt of Seeds by the ATCC:**

July 8, 2002

**Scientific Description****Depositor's Reference****Patent Deposit Designation**

Inbred corn (maize) seed (B1PNE11965-00 RP)

PH7JD - 1349

PTA-4532

**The ATCC understands that:**

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested July 16, 2002 and were viable.

American Type Culture Collection

By Marie Harris  
Marie Harris, Patent Specialist  
ATCC Patent Depository

Date: July 30, 2002

Received from &lt;515 334 6883&gt; at 10/28/02 3:13:52 PM [Eastern Standard Time]